

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

Horizon Mental Health Management, Inc.
doing business as
Horizon Health Behavioral Health Services,

Plaintiff,

vs.

Civil Action No. 7:09-CV-00337 (GHL)

Claxton-Hepburn Medical Center, et al,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Damon, Morey Law Firm - Buffalo Office
200 Delaware Avenue
12th Floor
Buffalo, NY 14202-2150

Brian D. Gwitt, Esq.
Amber E. Storr, Esq.
Stephen M. O'Neill, Esq.

FOR DEFENDANT:

Hancock, Estabrook Law Firm
1500 AXA Tower I
Syracuse, NY 13221

Daniel B. Berman, Esq.
Zachary M Mattison, Esq.

GEORGE H. LOWE,
UNITED STATES MAGISTRATE JUDGE,

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

The parties have entered into an agreement in settlement of all
claims in this action, and that they reasonably anticipate finalizing their


agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: May 25, 2011
Syracuse, New York


George H. Lowe
United States Magistrate Judge